

Serial No. 09/538,396
Group Art Unit: 1638

REMARKS/ARGUMENTS

Reconsideration of the present application is respectfully requested. Applicant has amended the claims as indicated by the Advisory Action issued January 16, 2004 and as further clarified in a telephone conversation with Examiner Ibrahim on February 17, 2004. Applicant thanks the Examiner for clarifying the Advisory Action, which indicates that content of claims 19, 21, and 22 are allowable. It is the Applicant's understanding that the claims to cassettes, cells, plants and seeds comprising a polynucleotide of claim 19, 21, or 22 is also allowable, therefore these claims have been retained, and now depend from claims reciting the indicated allowable polynucleotides.

Claims 2-8, 19, 20, and 22-30 are pending. Claims 1, 9-18, 21, and 31-39 are cancelled. Claim 19 has been amended to independent claim form, and still claims the isolated polynucleotide of SEQ ID NO: 1. Claim 20 has been amended to recite "95% sequence identity", and represented the polynucleotide of cancelled dependent Claim 21, which the Action indicated as allowable. Claim 22 depends from claim 20, as previously presented. Because Claim 12 is cancelled, Claims 2-4 have been amended to depend from currently amended Claim 19. Claims 5-8 remains as previously presented, and depend from currently amended Claim 4. Claims 22-24 and 26 remain as previously presented, and depend from currently amended Claim 20. Claims 25, and 27-30 remain as previously presented. Support for these amendments is found in the claims as originally filed, and throughout the specification as detailed in earlier responses. No new matter has been added by these amendments.

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CONCLUSION

In light of the foregoing remarks and amendments, it is believed that claims 2-8, 19, 20 and 22-30 are in condition for allowance as indicated in the Advisory Action of January 16, 2004. Withdrawal of the outstanding rejections and allowance of all of the remaining claims is respectfully requested. The Examiner is invited to telephone the Applicant if this would expedite the prosecution and allowance of the instant application.

Respectfully submitted,

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